

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

JOSEPH P. SCHMITT, pro se,  
Plaintiff,

vs.

Civil Docket No. 04-10451-RWZ

JEFFREY SMITH, et al.,  
Defendants

PLAINTIFF'S OPPOSITION TO DEFENDANTS MOTION TO STAY ALL  
FURTHER PROCEEDINGS UNTIL SUCH TIME AS THE COURT HAS RULED ON  
DEFENDANTS MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR  
SUMMARY JUDGMENT AND SUPPLEMENT THERETO

Now comes the pro se plaintiff, Joseph P. Schmitt, in the above entitled action and opposes the defendants motion to stay all further proceedings...

As grounds, plaintiff simply states that the defendants have brought very little new material to the Court in their motion to dismiss than they did in their motion to dismiss in plaintiff simular action before this Court, 04-10717-RWZ.

Defendants attempt to introduce grounds for dismissal that are seriously unrealistic and unbecoming of a Bar Certified Attorney of the Commonwealth.

Plaintiff clearly expects this Honorable Court to dismiss the defendants motion to dismiss in its entirety or in majority, therefore there is no just cause to stay this action.

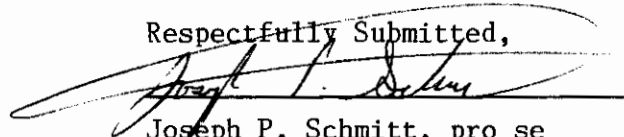
Defendants motion to stay this action is a thinny veiled guise to prevent plaintiff from filing motions he deems necessary to the successful prosecution of his action.

WHEREFORE, for the above reasons this Court should deny defendants motion with prejudice.

Dated: January 26, 2006

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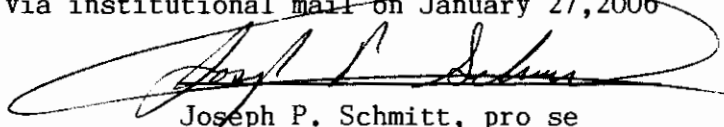
Respectfully Submitted,



Joseph P. Schmitt, pro se  
Nemasket Correctional Facility  
30 Administration Road  
Bridgewater, Massachusetts  
02324-3230

Certificate of Service

I, Joseph P. Schmitt, pro se plaintiff of the above captioned action, hereby certify that a true copy of the above opposition was served upon C. Raye Poole, counsel for the defendants, via institutional mail on January 27, 2006



Joseph P. Schmitt, pro se